REMARKS

Claims 1-4 are currently pending in the application, of which claim 1 is in independent form. No claims have been amended, no claims are currently canceled, and no claims are newly added.

Summary of Examiner Interview

Applicants express appreciation for courtesies extended to their representative, James Larsen, in an in-person interview conducted on February 18, 2010. In the interview, the claimed invention and applied art disclosure were reviewed. Examiner Travis Ruby and Supervising Examiner Frantz Jules agreed that the applied references, (Ueno and Kajima), do not individually or in combination disclose or make obvious every feature of claims 1-4. It was proposed that a different reference of record, Japanese Publication Laid Open 7-250426 by Yamanaka, may disclose additional features of the claims. The Examiners further proposed that method claims may be beneficial.

Claim Rejections under 35 U.S.C. § 103(a)

The Office Action rejects claims 1-4 under 35 U.S.C. § 103(a) as unpatentable over U.S. Patent No. 6,131,401 of Ueno (hereinafter "Ueno") in view of the Japanese Publication Laid-Open No. 10-201083 of Kajima/Nissin Electric Co., Ltd. (cited as "Toshiro" in the Office Action, hereinafter cited as "Kajima"). These rejections are traversed.

As discussed in the prior response and in the Examiner Interview, the Kajima reference discloses a method for resupplying electric power to parts of a distribution line 4 from a substation 1, in which a plurality of section switches 13 are connected *in series* downstream from a breaker 3, after the breaker is opened (power supply is shut off) due to ground fault and/or an accident. See Kajima paragraphs [0005]-[0010]; Figs 19-22.

Specifically, when an accident (failure) occurs in a section between section switches, the breaker 3 is opened and power supply to the distribution line is shut off. Then, the breaker 3 is reclosed and the section switches 13 are closed in order from the uppermost switch (nearest the

breaker) toward the lowermost switch (farthest away from the breaker). When section switches downstream of the failed section are closed, the breaker is opened again, so that the power supply is shut off and the section switches 13 located downstream of the failed section are locked open. After that, when the breaker is reclosed, the locked section switches are isolated from the distribution line, and sections located upstream of the locked section switches can be recovered safely.

In contrast, the claimed invention is configured such that a plurality of refrigeration system components (e.g., compressors, fans, etc.) are connected to a power supply *in parallel* through a breaker. During the sequential startup of target refrigeration system components, if a target refrigeration system component causes failure in its electric system, the failed refrigeration system component is excluded from the number of target refrigeration system components that are re-started. That is, when the startup process described above is repeated, the failed refrigeration system component is excluded from the startup sequence. Consequently, the claimed system can detect and exclude multiple failed components (i.e., whose electric system failed) and starts up all of the refrigeration system components other than the failed components to perform normal operation.

The presently claimed invention is distinct from the cited references at least because the claimed invention: a) includes a plurality of components connected "in parallel" to a power supply through a single breaker, b) inherently detects any and all failed components, and c) inherently starts up *all* of the refrigeration system components other than the failed components. The Kajima system fails to anticipate or make obvious these features because it provides a *series* of distribution line sections, and its recovery operation (recovery current operation) finds only the (single) failed section that is nearest to the breaker. Furthermore, the Kajima system *can recover only sections upstream of (nearest) the failed section* since the plurality of the section switches are connected in series.

Ueno, newly cited in the Office Action, merely shows that a plurality of refrigeration system components are connected to in parallel *by refrigerant pipes*. Ueno fails to teach an *electric system* in which a plurality of refrigeration system components are *electrically connected*

in parallel downstream from a breaker. The Office Action states that Ueno discloses none of the non-preamble elements of independent claim 1. Applicants do not dispute this statement.

Since the combination of Ueno and Kajima does not disclose or make obvious every feature of the present claims, Applicants submit that a *prima facie* case of obviousness has not been demonstrated. Withdrawal of the rejection and reconsideration of the claims are respectfully requested.

Speculative Application of Yamanaka

Although not currently applied, the Examiners asserted in the Interview that JP 7-250426 (Yamanaka) may anticipate or make obvious elements of the claims not disclosed by the applied art references. Applicants respectfully disagree.

In particular, the Examiners assert that it would be obvious for one skilled in the art to program a general controller/processor, such as "control device 28" disclosed by Yamanaka, to perform the functions recited in claim 1, for example. However, whether a general purpose processor is "capable" of being configured in a particular way is not a criteria for obviousness unless the "particular way" is at least disclosed in some prior art reference. "[T]he examiner must provide evidence which as a whole shows that the legal determination sought to be proved (i.e., the reference teachings establish a *prima facie* case of obviousness) is more probable than not." (See MPEP 2142.) Applicants submit that the speculative application of Yamanaka does not, and cannot, provide such evidence. The art references of record, including Yamanaka, do not disclose the particular features and functionality of the present claims. Whether or not configuration of a general purpose controller, as alleged to be disclosed by Yamanaka, is capable of being programmed in a non-disclosed way, a *prima facie* case of obviousness must include support disclosing or making obvious each and every feature of the claims. Yamanaka, alone or in combination with other references of record, is therefore believed to be insufficient to reject the claims.

Conclusion

In view of the above amendment, applicant believes the pending application is in condition for allowance.

Should there be any outstanding matters that need to be resolved in the present application, the Examiner is respectfully requested to contact James C. Larsen, Reg. No. 58,565, at the telephone number of the undersigned below, to conduct an interview in an effort to expedite prosecution in connection with the present application.

If necessary, the Commissioner is hereby authorized in this, concurrent, and future replies to charge payment or credit any overpayment to Deposit Account No. 02-2448 for any additional fees required under 37.C.F.R. §§1.16 or 1.17; particularly, extension of time fees.

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Respectfully submitted,

By

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